

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION**

JANE DOE,)	
)	
Plaintiff,)	
)	
v.)	Case No.: 1:21cv1150(AJT/JFA)
)	
FAIRFAX POLICE OFFICER #1, et al.,)	
)	
Defendants.)	

**REPLY TO OPPOSITION TO FOURTH MOTION IN LIMINE OF
DEFENDANTS MARDOCCO AND BARBAZETTE [ECF NO. 354]**

COME NOW Defendants, Michael O. Barbazette and Jason Mardocco (collectively “B&M”), by counsel, and file their Reply to Opposition to Fourth Motion *in Limine* of Defendants Mardocco and Barbazette [ECF No. 354] as follows:

Jane Doe [Doe] filed her opposition to B&M’s fourth motion *in limine* by stating only, “[t]he grounds of Doe’s opposition appear in detail in her own motion *in limine* filed October 28, 2022, ECF 217, at 17-22, and Doe respectfully refers the Court and counsel to that filing for elaboration of her position.” ECF No. 354. However, Doe’s motion *in limine* addresses a different point than B&M’s fourth motion *in limine*.

Doe’s motion *in limine* , ECF No. 217, asks that the court overrule hearsay objections to introduction of (unidentified) data contained in FBI and FCPD documents. ECF No. 217, p. 18. B&M previously filed their opposition to this motion and presented argument to the court in support of their position. The parties await the court’s ruling.

In contrast, B&M’s fourth motion *in limine* asks that the court preclude any argument, evidence or testimony related to the FBI investigation and subsequent FCPD Internal Affairs’

investigations of B&M. Given rulings which the court has made to date, B&M withdraw that portion of their fourth motion *in limine* which requests that the court preclude any argument, evidence or testimony about the FBI investigation. This is without prejudice to B&M's ongoing objection to introduction of certain documents and/or evidence (including that referenced in Doe's motion *in limine*, ECF No. 217) from the FBI investigation file. However, B&M maintain their position that the court should, *in limine*, exclude any argument, evidence or testimony related to the FCPD Internal Affairs' investigations of B&M. B&M have fully briefed this portion of their motion, ECF No. 312, Doe has not filed an opposition which addresses the arguments raised therein, and B&M ask that their motion be granted.

**MICHAEL O. BARBAZETTE and
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By Counsel

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CERTIFICATE OF SERVICE

I hereby certify that on the 14th day of December, 2022, I electronically filed the foregoing pleading with the Clerk of Court using the CM/ECF system, which will then send a notification of such filing (NEF) to the following:

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